

**Rejection of claims 22, 23, 26, 29-31, 34, and 35
under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 22, 23, 26, 29-31, 34, and 35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,197,395 to Pigott et al (“Pigott”) in view of U.S. Patent No. 5,868,080 to Wyler et al (“Wyler”) and U.S. Patent No. 4,522,009 to Fingerson. Applicants respectfully traverse this rejection for many reasons.

First, the Wyler reference teaches away from the present invention. With regard to the bottom of the pallet, Wyler teaches that “bottom side anti-skid strips 28, of known construction, can be adhered or otherwise secured along the lengths of runners 16a and 16c, and across recesses 18.” (Wyler, column 3, lines 61-64.) Wyler also teaches attaching separate reinforcing bars 32 to the pallet, the reinforcing bars having an “anti-skid material [which] is preferably a combination of silicon oxide and epoxy resin which can be applied to one or more surfaces of the composite structure in varying amounts depending upon the desired application.” (Wyler, column 4, lines 32-36.)

On the other hand, Applicants in claim 22 (for example) are claiming “mechanically scuffing a top surface of the upper deck, a bottom surface of the lower deck, and an underside of the upper deck”. Unlike Wyler, Applicants do not include additional elements having anti-skid properties. Applicants’ pallets are formed by scuffing the surfaces themselves. Applicants, in fact, recognized the drawbacks of Wyler in their application, stating that “one problem with these anti-slip measures is that they require the installation of additional parts or materials. Further, anti-slip coatings can wear away, while inserts can work loose and fall off during use, rendering them ineffective.” (Specification, page 2, line 30 to page 3, line 3.) Thus, Wyler teaches away from Applicants’ invention. (Independent claims 26, 31, and 36 are similarly treated.)

Second, none of the references teach nor suggest, alone or in combination, Applicants’ claimed invention. For example, there is no suggestion to combine Pigott and Wyler. That these references are both related to pallets is not enough, by itself, to warrant their combination. As stated above, Wyler discloses adding elements to its pallet in order to

achieve an anti-skid surface. Pigott, on the other hand, does not address anti-skid features, and also does not suggest the need to add anti-skid elements. For these same reasons, even if the references were combined, the combination would not achieve Applicants' claimed invention.

Further, there is no motivation or suggestion to combine Pigott and/or Wyler with Fingerson. Pigott and Wyler disclose pallets, while Fingerson discloses a flooring grating. These references are from such diverse arts that one of ordinary skill in the art would not look to Fingerson to solve the problems addressed by the claimed invention.

Accordingly, it is submitted that the invention set forth in the aforementioned claims are not obvious from the referenced prior art within the requirements of 35 U.S.C. § 103(a).

**Rejection of claims 24, 25, 27, 28, 32, and 33
under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 24, 25, 27, 28, 32, and 33, under 35 U.S.C. § 103(a) over Pigott in view of Wyler and Fingerson, and further in view of U.S. Patent No. 2,599,076 to Sturgis. Applicants respectfully traverse this rejection.

First, these dependent claims are believed to be in a condition for allowance based on the all of the remarks provided above for independent claims 22, 26, and 31, from which these claims depend.

In addition, just as there is no motivation or suggestion to combine Pigott, Wyler, and/or Fingerson by themselves, there is also no motivation to combine them with Sturgis. Sturgis is directed to an abrading brush. By way of example, Wyler motivates against using a brush such as that disclosed in Sturgis. Instead, Wyler discloses having reinforcing bars 32 which have an "anti-skid material [which] is preferably a combination of silicon oxide and epoxy resin which can be applied to one or more surfaces of the composite structure in varying amounts depending upon the desired application." (Wyler, column 4, lines 32-36.)

Accordingly, these dependent claims are believed to be in a condition for allowance.

New Claims

For the reasons provided above, new claims 36-38 are also submitted to be in a condition for allowance.


CONCLUSION

In light of the above remarks, claims 22-38 are submitted to be in a condition for allowance, and a notice of such allowance is respectfully solicited. The Examiner is invited to contact the undersigned if she believes a telephone conference or Examiner's Amendment would in any way assist in the prosecution of this patent application.

Respectfully submitted,

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